

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re Application of HANSAINVEST  
Hanseatische Investment-GmbH in respect of  
the fund Aramea Rendite Plus; Trinity  
Investments Designated Activity Company;  
BFAM Asian Opportunities Master GP  
Limited as general partner of BFAM Asian  
Opportunities Master Fund, L.P.; Caspian  
Select Credit Master Fund, Ltd.; Caspian  
Solitude Master Fund, L.P.; Caspian HLSC1,  
LLC; Caspian SC Holdings, L.P.; Caspian  
Focused Opportunities Fund, L.P.; Blackstone  
Alternative Investment Funds plc in respect of  
its fund Blackstone Diversified Multi Strategy  
Fund; Blackstone Alternative Multi Strategy  
Sub Fund IV, LLC; Citadel Equity Fund Ltd.;  
Citadel Equity (Ireland) Designated Activity  
Company; Biwa Fund Ltd.; CQS Dedicated  
Multi Strategy Fund Ltd.; CQS Directional  
Opportunities Master Fund Ltd.; Gracechurch  
Opportunities Fund Limited; CQS Global  
Funds ICAV in respect of its sub-fund CQS  
ACS Fund; CQS Aiguille du Chardonnet MF  
S.C.A. SICAV-SIF; Farmstead Master Fund,  
Ltd., OC 530 Offshore Fund, Ltd.; NB 530  
Offshore Fund, Ltd.; Greywolf Event Driven  
Master Fund; KLS Diversified Master Fund  
GP Ltd. as general partner of KLS Diversified  
Master Fund, L.P.; Lex Financial Investments  
(Luxembourg), S.à r.l.; Marathon Credit  
Dislocation Fund, L.P.; Marathon Blue Grass  
Credit Fund, L.P.; Marathon Centre Street  
Partnership, L.P.; Gold Coast Capital  
Subsidiary I Ltd.; TRS Credit Fund, L.P.;  
Marathon European Credit Opportunity Master  
Fund II, Ltd.; Marathon Special Opportunity  
Master Fund, Ltd.; Monarch Master Funding 2  
(Luxembourg) S.a.r.l.; SC Lowy Primary  
Investments, Ltd.; SPC Lux S.à.r.l.; Sound  
Point Credit Opportunities GP LLC as general  
partner of Sound Point Credit Opportunities  
Master Fund, L.P.; Sound Point Montauk GP,  
LLC as general partner of Sound Point  
Montauk Fund, L.P.; Stonehill Master Fund

Civil Action No.

**EX PARTE APPLICATION FOR AN  
ORDER PURSUANT TO 28 U.S.C. §  
1782 GRANTING LEAVE TO OBTAIN  
DISCOVERY FOR USE IN A  
FOREIGN PROCEEDING**

Ltd.; Stonehill Institutional Partners, L.P.; TT International Hedge Funds SPC in respect of the segregated portfolio TT Event Driven Fund Segregated Portfolio; and TT International Fund Ltd. for an Order Pursuant to 28 U.S.C. § 1782 Granting Leave to Obtain Discovery for Use in a Foreign Proceeding

Applicants, based upon the concurrently filed memorandum of law and supporting declaration, and pursuant to 28 U.S.C. § 1782, respectfully apply to this Court for an order authorizing it to serve subpoenas substantially in the form of Exhibits A, B, and C (the “Proposed Subpoenas”) for the production of documents by Cerberus Capital Management, L.P., (“Cerberus”), J.C. Flowers & Co. LLC (“J.C. Flowers”), and GoldenTree Asset Management L.P. (“GoldenTree”). The Proposed Subpoenas direct Cerberus, J.C. Flowers, and GoldenTree to produce documents for use in a contemplated proceeding in Germany against HSH Nordbank AG (“HSH”) regarding violations of German law in connection with HSH’s sale to a consortium of private investors.

This application meets the requirements of Section 1782. Applicants will be interested parties in the German proceeding and seek discovery for use in that proceeding. Respondents, which have their principal places of business in New York City, can be found in this District. Respondents will not be participants in the German proceeding. Applicants are not using this application to circumvent the requirements of any foreign tribunal, and there is no indication that the German court would not be receptive to the discovery. Finally, the discovery sought is highly relevant to the contemplated proceeding and is neither unduly burdensome nor intrusive. *See Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 262-65 (2004).

Section 1782 applications are commonly received and granted *ex parte*, with any privilege issues raised and resolved through a motion to quash made after a subpoena has been

authorized and issued. *See, e.g., In re Hornbeam Corp.*, 2018 WL 416486, at \*2 (2d Cir. Jan. 16, 2018) (“[I]t is neither uncommon nor improper for district courts to grant applications made pursuant to § 1782 ex parte.”); *In re Mesa Power Grp. LLC*, 2012 WL 6060941, at \*4 (D.N.J. Nov. 20, 2012) (“[I]t is ‘appropriate for this Court to issue the order on an ex parte basis, without prejudice to the rights of the subpoenaed parties to file a motion to vacate or quash’ within thirty days of the issuance of this order.”).

WHEREFORE, Applicants respectfully request that this Court enter an Order:

1. Approving Applicants’ application for discovery; and
2. Granting issuance of the Proposed Subpoenas substantially in the form in which they appear herein; and
3. Directing Cerberus, J.C. Flowers, and GoldenTree to produce the documents in their possession, custody, or control, as requested in the Proposed Subpoenas.

DATED: New York, New York  
July 2, 2018

QUINN EMANUEL URQUHART &  
SULLIVAN, LLP

By: /s/ Daniel L. Brockett  
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